

# **Exhibit B**

**City of Alpharetta  
April 1, 2020, Shelter-in-Place Ordinance**

ORDINANCE NO.: 792

AN EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA UNDER SECTION 2.23 OF THE CHARTER OF THE CITY OF ALPHARETTA, GEORGIA DECLARING A STATE OF EMERGENCY IN THE CITY OF ALPHARETTA, GEORGIA DURING THE PUBLIC EMERGENCY OF THE NOVEL CORONAVIRUS DISEASE 2019 GLOBAL PANDEMIC; DIRECTING RESIDENTS TO SHELTER IN PLACE; DIRECTING CERTAIN PERSONS TO ISOLATE AND QUARANTINE; PROHIBITING ALL NON-ESSENTIAL TRAVEL; PROHIBITING ALL GATHERINGS OF PERSONS; CLOSING ALL CITY FACILITIES TO THE PUBLIC WITH CERTAIN EXCEPTIONS; ESTABLISHING THE CLOSURE OR MODIFIED OPERATION OF BUSINESSES; PROVIDING FOR SMALL BUSINESS ASSISTANCE; PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor (the "**Mayor**") and Council of the City (the "**City Council**") of Alpharetta, Georgia (the "**City**") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta, Georgia; and

WHEREAS, Section 2.23 of the Charter of the City (the "**Charter**") empowers the Mayor and City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property, or public peace; and

WHEREAS, under Sections 38-3-6 and 38-3-28 of the Official Code of Georgia Annotated, the Mayor and City Council are authorized to make orders, rules, and regulations necessary for emergency management purposes and to supplement the carrying out of emergency management laws, and this power is to be liberally construed;

WHEREAS, the severe acute respiratory syndrome coronavirus 2, SARS-CoV-2, emerged beginning in late 2019 causing a novel coronavirus disease 2019 ("**COVID-19**") global pandemic; and

WHEREAS, the President of the United States of America declared a National Public Health Emergency on Friday, March 13, 2020 (the "**Presidential State of Emergency**") due to COVID-19; and

WHEREAS, the Governor of the State of Georgia declared a State of Emergency in Georgia on Saturday, March 14, 2020 (the "**Gubernatorial State of Emergency**") due to COVID-19; and

WHEREAS, the President of the United States of America on Monday, March 16, 2020 issued his "Coronavirus Guidelines for America" (the "**Presidential Guidelines**") whereby he directed

residents of the United States of America to avoid social gatherings of more than ten (10) people for thirty (30) days; and

WHEREAS, due to COVID-19, the Governor of the State of Georgia issued an Executive Order on Monday, March 23, 2020 (the "**Gubernatorial Executive Order**") imposing certain restrictions on certain businesses and directing certain persons to isolate, quarantine, or shelter in place; and

WHEREAS, on Monday, March 23, 2020, the State of Georgia Department of Public Health (the "**DPH**") issued an Amended Administrative Order for Public Health Control Measures regarding COVID-19 (the "**DPH Order**") thereby directing certain persons to isolate, quarantine, or shelter in place; and

WHEREAS, the Fulton County Board of Health (the "**BOH**") on Tuesday, March 24, 2020 issued a Declaration and Ratification of Public Health Emergency within Fulton County due to the Threat and Impact of the COVID-19 Pandemic and Order of Closure or Modification of Certain Business Activities Countywide to Minimize Direct Human Contact and an Addendum thereto (collectively, the "**BOH Order**") thereby commanding, among other things, the closure or modified operation of non-essential and essential businesses throughout Fulton County; and

WHEREAS, the President of the United States of America extended the Presidential Guidelines to Thursday, April 30, 2020; and

WHEREAS, on Tuesday, March 31, 2020, the Fulton County Board of Health issued its Administrative Order for Public Health Control Measures related to COVID-19, Directing All Residents of Fulton County to Shelter in Place (the "**BOH Shelter in Place Order**"); and

WHEREAS, the Centers for Disease Control and Prevention (the "**CDC**") of the Department of Health and Human Services of the United States of America indicates that there is evidence of widespread community transmission of COVID-19 in Georgia; and

WHEREAS, COVID-19 has continued to spread in the metropolitan Atlanta area; and

WHEREAS, if COVID-19 continues to spread in the metropolitan Atlanta area, it may tax, strain, and overly burden public health, safety, welfare personnel, facilities, and equipment so as to result in unnecessary injury and death; and

WHEREAS, the Mayor and City Council hereby find that the COVID-19 global pandemic is a public emergency affecting and threatening life, health, property, and public peace; and

WHEREAS, the Mayor and City Council hereby find that this Emergency Ordinance is necessary to protect life, health, property, and public peace; and

WHEREAS, based upon the information available from the CDC, the DPH, and the BOH, to protect life, health, property, and public peace, it is necessary to ensure that the largest possible number of residents of the City of Alpharetta shelter in place, self-quarantine, and/or self-isolate in their place of residence.

BE IT DECLARED that the Mayor and City Council of the City of Alpharetta, Georgia hereby ordains that an emergency ordinance shall be enacted as follows:

**SECTION 1. DECLARATION OF STATE OF EMERGENCY.** The Mayor and City Council hereby declare that a state of emergency affecting life, health, property, and public peace exists within the City due to the COVID-19 global pandemic;

**SECTION 2. SHELTER IN PLACE.** Consistent with the BOH's Shelter in Place Order, the Mayor and City Council hereby direct and order all residents of the City to comply with the following provisions during the pendency of this Ordinance and any reenactment hereof:

2.1 All residents are hereby directed and ordered to stay in their place of residence, unless permitted to leave under the terms of this Ordinance.

2.2 Residents shall be permitted to leave their residences only for the following reasons:

2.2.1 To attend to Essential Activities (as that term is defined in Section 10 below);

2.2.2 To work for Essential Businesses (as that term is defined in Section 10 below); or

2.2.3 To perform or access Essential Governmental Functions (as that term is defined in Section 10 below).

2.3 Consistent with the DPH Order, all residents of the City that have tested positive for COVID-19 or are suspected to be

infected with COVID-19 are hereby directed and ordered to isolate themselves at home or another location approved by DPH and follow all other requirements of the DPH Order.

2.4 Consistent with the DPH Order, all residents of the City that have been in close contact with a person known or suspected to be infected with COVID-19 are hereby directed and ordered to quarantine themselves at home or another location approved by DPH and follow all other requirements of the DPH Order.

2.5 Consistent with the BOH's Shelter in Place Order, all residents of the City showing symptoms recognized by the CDC as indicators for COVID-19 shall refrain from entering public buildings, restaurants, shops, public transportation facilities, and all other areas where the public ingresses or egresses, and are encouraged to seek medical attention, follow the directions of their Primary Care Physician, and remain quarantined in their residence until given the clearance to return to public interaction.

2.6 Consistent with the BOH's Shelter in Place Order, residents of the City that are medically fragile and/or sick are strongly encouraged to stay in their residence to the extent possible, except as necessary to seek medical care.

**SECTION 3. ALL NON-ESSENTIAL TRAVEL PROHIBITED.**

Excepting only Essential Travel (as that term is defined in Section 10 below), all travel, including, but not limited to, travel on foot, by animal, or using any motorized, nonmotorized, human-powered, or animal-powered vehicle or method of transportation, including public transportation, is prohibited during the pendency of this Ordinance and any reenactment hereof.

**SECTION 4. GATHERINGS PROHIBITED.** Consistent with the BOH's Shelter in Place Order, during the pendency of this Ordinance and any reenactment hereof, all public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for Essential Business operations and other limited purposes expressly permitted by this Ordinance. This Ordinance does not prohibit the gathering of members of the same household or living unit.

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**SECTION 5. CLOSURE OF ALL CITY FACILITIES, EXCEPTING ONLY GREENWAYS, TRAILS, AND THE LIKE.**

5.1 During the pendency of this Ordinance and any reenactment hereof, all City facilities shall be closed to the public, including, but not limited, to park facilities, buildings, offices, fields, courts, pavilions, playgrounds, the town green, and restrooms (this does not include parking lots unless directed by the Mayor); and

5.2 All greenways, trails, and the like of the City shall remain open to the public during the pendency of this Ordinance and any reenactment hereof; provided, however, that all persons using said greenways, trails, and the like shall maintain a safe social distance of at least six feet (6') between all persons.

**SECTION 6. CLOSURE OF ALL FOR PROFIT AND NOT FOR PROFIT BUSINESS ORGANIZATIONS, ESTABLISHMENTS, PARTNERSHIPS, PROPRIETORSHIPS, AND ORGANIZATIONS OF ANY KIND WITHIN THE CITY.**

6.1 Except for Essential Businesses or as otherwise allowed by this Ordinance, all for profit and not for profit business organizations, establishments, partnerships, proprietorships, and organizations of any kind with facilities or premises within the territorial boundaries of the City are required to cease all activities and operations at facilities or premises within the City during the pendency of this Ordinance and any reenactment hereof.

6.2 Non-Essential Businesses (as that term is defined in Section 10 below) may continue activities and operations at facilities and premises within the City during the pendency of this Ordinance and any reenactment hereof, but only to the extent necessary to maintain Minimum Basic Operations (as that term is defined in Section 10 below).

6.3 Nothing in this Ordinance prohibits residents, or employees or contractors of Non-Essential Businesses, from working remotely.

**SECTION 7. ESSENTIAL BUSINESSES TO REMAIN OPEN AND MAINTAIN SOCIAL DISTANCING.**

7.1 Consistent with the BOH's Order and BOH's Shelter in Place Order, during the pendency of this Ordinance and any reenactment hereof, all Essential Businesses are required, but only to the extent feasible, to maintain:

7.1.1 Fewer than ten (10) people in any one (1) location; and

7.1.2 The ability for each person to remain six feet (6') apart.

7.2 All Essential Businesses are encouraged to remain open.

**SECTION 8. CONTINUED OPERATION OF EATING ESTABLISHMENTS.**

Notwithstanding Section 6 and consistent with the BOH's Order, the following provisions shall apply to all bars, restaurants, and similar businesses that sell food and/or non-alcoholic and/or alcoholic beverages for consumption on premises during the pendency of this Ordinance and any reenactment hereof:

8.1 All such businesses shall be closed to in-person dining or in-person consumption of alcohol;

8.2 All such businesses may continue to offer food for take-away, take-out, drive-through, or delivery to be consumed off premises, provided that each such business shall establish and implement systems of social distancing, including, but not limited to:

8.2.1 Taking food to the vehicles of customers rather than customers entering the business premises;

8.2.2 Ensuring on-premises consumption of food and beverages is prohibited; and

8.2.3 Ensuring employees, contractors, and customers maintain social distancing of six feet (6') or more between all persons.

8.3 Any such businesses licensed to sell alcoholic beverages for on-premises consumption ("Licensee(s)") shall be authorized to sell to customers, whom simultaneously purchase food, unopened bottles and/or cans of beer and/or wine for consumption off premises; provided, however that:

8.3.1 Off-premises delivery of alcoholic beverages shall be prohibited;

8.3.2 This Ordinance makes no representation to any Licensee as to the legality, under state law and/or any

state alcohol license, of any course of conduct undertaken pursuant to this Ordinance; and

8.3.3 Any Licensee that engages in a course of conduct permitted under this Ordinance does so at its own peril with regards to the Licensee's state alcohol license.

**SECTION 9. SMALL BUSINESS ASSISTANCE.**

**9.1 EXTENSION OF DEADLINES FOR RENEWAL OF OCCUPATIONAL TAX, AND TOLLING OF THE ASSESSMENT OF PENALTIES.**

9.1.1 The deadline for submission of the registration and payment of the administrative fee, occupational tax, and/or regulatory fee, under Section 42-65 of The Code of Alpharetta, Georgia (the "Code"), shall be extended through June 30, 2020.

9.1.2 Any penalty for failure to submit any registration or pay any tax or fee described in Section 9.1.1 shall be tolled through June 30, 2020.

9.1.3 Any such tax or fee described in Section 9.1.1. shall not be deemed delinquent until after June 30, 2020.

**9.2 EXTENSION OF DEADLINES FOR FILING OF REPORTS AND PAYMENT OF EXCISE TAXES RELATED TO THE SALE OF ALCOHOLIC BEVERAGES, AND TOLLING OF THE ASSESSMENT OF PENALTIES.**

9.2.1 The monthly reporting requirements and excise tax payment deadlines, under Chapter 4 of the Code related to the sale of alcoholic beverages, for the calendar months of February 2020, March 2020, and April 2020 are extended through June 30, 2020.

9.2.2 The assessment of any penalties for failing to submit any report or pay any such tax described in Section 9.2.1 is tolled through June 30, 2020.

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**SECTION 10. DEFINITIONS.** The following terms as used in this Ordinance shall have the meaning assigned to them below:

10.1 "**Essential Activities**" shall mean, consistent with the BOH's Shelter in Place Order, any of the following activities or tasks:

10.1.1 To engage in activities or tasks essential to the health and safety of the individual, their family member, or their pet;

10.1.2 To obtain necessary services and supplies for the individual, their family, or household, or to deliver those services or supplies to others;

10.1.3 To engage in outdoor activity, provided all individuals, not of the same household or living unit, remain at least six feet (6') from each other;

10.1.4 To perform work for Essential Businesses or to obtain products or services from Essential Businesses, including engaging in Minimum Basic Operations;

10.1.5 To care for a person who is medically fragile or a family member or pet in another household; and

10.1.6 To engage in Essential Governmental Functions.

10.2 "**Essential Businesses**" shall mean, consistent with the BOH's Order and the BOH's Shelter in Place Order, those for profit and not for profit businesses organizations, establishments, partnerships, proprietorships, and organizations of any kind that fall within one (1) of the following categories:

10.2.1 Healthcare Operations (as that term is defined below) and the essential infrastructure for such operations;

10.2.2 Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary

to maintaining the safety, sanitation, and essential operation of residences;

10.2.3 Food cultivation, including farming, livestock, and fishing;

10.2.4 Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

10.2.5 Newspapers, television, radio, and other media services;

10.2.6 Gas stations and auto-supply, auto repair, and related facilities;

10.2.7 Banks and related financial institutions;

10.2.8 Hardware stores;

10.2.9 Lodging businesses (e.g., hotels, motels, conference centers but only as necessary for providing shelter and not for non-essential gatherings otherwise prohibited);

10.2.10 Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

10.2.11 Businesses providing mailing and shipping services, including post office boxes;

10.2.12 Educational institutions--including public and private K-12 schools, colleges, and universities -- for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;

10.2.13 Laundromats, dry cleaners, and laundry service providers;

10.2.14 Restaurants and other facilities that prepare and serve food, but only for drive-thru, delivery, or carry out services;

10.2.15 Cafeterias in hospitals, nursing homes, or similar facilities;

10.2.16 Businesses that supply products needed for people to work from home;

10.2.17 Businesses that supply other Essential Businesses with the support or supplies necessary to operate;

10.2.18 Businesses that ship or deliver groceries, food, goods, or services directly to residences;

10.2.19 Home-based care for seniors, adults, or children;

10.2.20 Residential facilities and shelters for seniors, adults, and children;

10.2.21 Professional services, such as legal or accounting services;

10.2.22 Veterinary care facilities;

10.2.23 Animal shelters or animal care or management and crematories;

10.2.24 Bike shops;

10.2.25 Childcare facilities;

10.2.26 Janitorial Services (Building/Residential cleaning and maintenance);

10.2.27 Funeral homes, crematories, and cemeteries; provided that funeral services shall be ordered to ensure safe social distancing of six feet (6') between attendees in groups of ten (10) or more;

10.2.28 Utility, water, sewer, gas, electrical, oil refining, roads and highways, railroads, public transportation, taxi/rideshare, solid waste collection and removal, internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web based services, and each type of essential infrastructure designated in the U.S. Department of Homeland Security's March 19, 2020 Memorandum

on Identification of Essential Critical Infrastructure Workers During COVID-19 Response from the Cybersecurity and Infrastructure Security, and any subsequent version(s), amendment(s), or supplement(s) thereto, all of which are incorporated herein by reference as if fully set forth herein);

10.2.29 Any other service deemed by the District Health Director to be essential for the protection of public health, safety, and welfare; and

10.2.30 Those providing services and goods to the City deemed by the Mayor to be essential to the continued operation of the City.

10.3 "**Essential Governmental Functions**" shall mean, consistent with the BOH's Shelter in Place Order, any and all services needed to ensure the continuing operation of any governmental agency.

10.4 "**Essential Travel**" shall mean travel related to the provision of or access to Essential Activities, Essential Businesses, or Essential Governmental Functions, provided that all persons using public transportation maintain at least six (6) feet between all person.

10.5 "**Healthcare Operations**" shall, include, but not be limited to, hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "**Healthcare Operations**" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "**Healthcare Operations**", however, does not include fitness and exercise gyms, fitness studios, and similar facilities.

10.6 "**Minimum Basic Operations**" shall mean the following, provided that the employees, contractors, and other workers serving the business, to the greatest extent possible, (1) maintain a safe social distance of six feet (6') between all persons; and (2) if a safe social distance of six feet (6') cannot be maintained between all persons, limit all gatherings to fewer than ten (10) people in one (1) location:

10.6.1 The minimum necessary activities to

maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; and

10.6.2 The minimum necessary activities to facilitate employees or contractors of the business to be able to work remotely.

10.7 "**Non-Essential Businesses**" shall mean those for profit and not for profit businesses organizations, establishments, partnerships, proprietorships and organizations of any kind, that are not "Essential Businesses" as defined herein, including, but not limited to:

10.7.1 Those requiring direct human contact or that tend to involve crowding or assembling in close spaces where it is difficult or impossible to practice social distancing;

10.7.2 Any facility used for an activity that involves prolonged physical proximity of individuals;

10.7.3 Any facility used for entertainment, social, grooming, or general health and wellbeing purposes; and

10.7.4 Gyms, fitness centers, pools, public clubs, private clubs, social clubs, amusement facilities, event and meeting facilities and spaces, bowling alleys, pool halls, movie and performance theaters, live music venues, massage parlors, nail salons, barber shops, hair salons, and other similar facilities.

## **SECTION 11. ENFORCEMENT**

11.1 The City's Department of Public Safety is hereby authorized and charged with enforcement of this Emergency Ordinance and shall assess penalties for violation hereof in accordance with the penalty provisions under The Code and State law.

11.2 Notwithstanding Section 11.1, because the City does not have the personnel or resources to monitor, regulate, and police all residents of the City, the City's Department of Public Safety and all other departments of the City are authorized to support enforcement of this Ordinance through information delivery and education of residents regarding COVID-19.

**SECTION 12. REPEALER.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict, and the following Ordinances are hereby repealed and replaced by this Ordinance:

12.1 The Interim Emergency Ordinance of the Mayor and Council of the City of Alpharetta, Georgia under Section 2.23 of the Charter of the City of Alpharetta, Georgia Declaring a State of Emergency in the City of Alpharetta, Georgia During the Public Emergency of the Novel Coronavirus Disease 2019 Global Pandemic; Establishing the Closure of All Bars, Restaurants, and Public Gathering Businesses; Providing for Procedures for the Continued Operations of Affected Businesses; and for Other Purposes (adopted by the Mayor and City Council of the City of Alpharetta, Georgia on Friday March 20, 2020) (the "**March 20 Interim Bars and Restaurants Emergency Ordinance**");

12.2 The Emergency Ordinance of the Mayor and Council of the City of Alpharetta, Georgia under Section 2.23 of the Charter of the City of Alpharetta, Georgia Declaring a State of Emergency in the City of Alpharetta, Georgia During the Public Emergency of the Novel Coronavirus Disease 2019 Global Pandemic; Establishing the Closure of All Bars, Restaurants, and Similar Businesses; Providing for Procedures for the Continued Operations of Bars, Restaurants, and Similar Businesses; and for Other Purposes (adopted by the Mayor and City Council of the City of Alpharetta, Georgia on Monday, March 23, 2020) (the "**March 23 Bars and Restaurants Emergency Ordinance**"); and

12.3 The Emergency Ordinance of the Mayor and Council of the City of Alpharetta, Georgia under Section 2.23 of the Charter of the City of Alpharetta, Georgia Declaring a State of Emergency in the City of Alpharetta, Georgia During the Public Emergency of the Novel Coronavirus Disease 2019 Global Pandemic; Establishing the Closure of All City Facilities, Park Facilities, and the Like; Providing for Greenways, Trails, and the Like to Remain Open; and for Other Purposes (adopted by the Mayor and City Council of the City of Alpharetta, Georgia on Monday, March 23, 2020) (the "**March 23 City Facilities Emergency Ordinance**").

**SECTION 13. NO CREATION OF RIGHTS.** This Ordinance is not intended to and does not create any substantive or procedural right or benefit enforceable in law or in equity by any party (other than the City) against the City, its departments, agencies, officials, employees, agents, or any other person or entity.

**SECTION 14. SEVERABILITY.** If any section, subsection, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to a particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared as the intent of the Mayor and City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained herein.

**SECTION 15. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption.

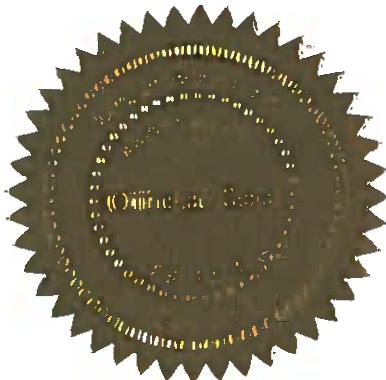
**SECTION 16. AUTOMATIC REPEAL.** This Ordinance, pursuant to Section 2.23 of the Charter, shall automatically stand repealed thirty (30) days after the date upon which it is adopted or upon expiration of the Presidential Guidelines, whichever is sooner.

**SECTION 17. REENACTMENT.** This Ordinance may be reenacted and extended for one (1) or more additional periods of thirty (30) or less days (or repealed) upon a meeting of the City Council called by the Mayor or two (2) Councilmembers of the City Council.

[SIGNATURES ON NEXT PAGE]

SO ORDAINED this 1<sup>st</sup> day of April 2020 by  
the Mayor and Council of the City of Alpharetta, Georgia.

THE CITY OF ALPHARETTA, GEORGIA



By:

Jim Gilvin, Mayor

Attest:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

Erin Cobb, City Clerk

Adopted: 04/01/20

C. Sam Thomas, City Attorney